

"Should" would make it a philosophical statement, as opposed to saying it doesn't make any difference. It takes away the mandate of "shall".

SENATOR NICHOL: Thank you sir. Now if they do do it, it's okay, but if they can't do it, it's still okay. Is that what you're saying?

SENATOR NEWELL: I'm basically saying that if they should do it, and that is they should plan it to happen in that way. If, in fact, there is some technical problems and so forth they wouldn't have to do that. In other words, they wouldn't have to go back into executive session to alter the tax rate. Alright? That's basically what I'm saying.

SENATOR NICHOL: So it's okay if they don't have it the same.

SENATOR NEWELL: Well "should" is it should be their intent to try to do that. If it should mechanically not work out then they would not be mandated to do it.

SENATOR NICHOL: Very good, thank you.

SPEAKER LUEDTKE: Chair recognizes Senator Hefner.

SENATOR HEFNER: Mr. Chairman, members of the body, I would like to ask Senator Newell a question.

SPEAKER LUEDTKE: Senator Newell, will you respond.

SENATOR HEFNER: What is your thinking behind this, in changing this "shall" to "should"? You're taking a lot of teeth out of the bill.

SENATOR NEWELL: That's right. I'm taking the teeth out. I'll tell you frankly the reason is that some people have come to me and suggested that there are certain times when the State Board of Equalization will determine that. The revenues from one source or the other source are not clear and do not come in as it ought to be. Instead of mandating that the State Board of Equalization meet again to alter it in some way, just to readjust it, if it's not a major situation then, in fact, the State Board of Equalization wouldn't have to meet. That is the reason.

SENATOR HEFNER: Thank you, Senator Newell. I still think that the bill is unworkable. I like the way we are doing it now. I would like to see this bill laid over until Senator Murphy comes back.

SPEAKER LUEDTKE: Chair recognizes Senator Lamb.

SENATOR LAMB: Mr. President, members of the Legislature, I think there is some confusion, as Senator Nichol has pointed out, about the definition of the words "shall" and "should" and "may". I would move to amend the Newell amendment, to substitute the word "may" for "should".

SPEAKER LUEDTKE: Do you have that up on the desk, Senator Lamb? Would you please bring that amendment to the desk. Read the amendment, Mr. Clerk.

CLERK: Read Lamb amendment found on page 565 of the Journal.